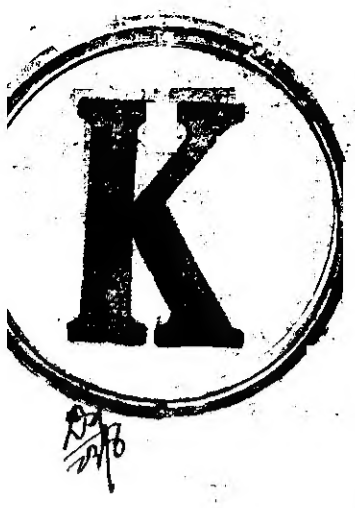

1943 :

File No. Fin Rand P/43

Legal Department

C BRANCH

Subject:—

Financial Rules and Publications

Correspondence relating to

P-88/E

Fin Rand P/43

C O N T E N T S.

Legal Department

Vol. Fin R and P/43.

Sr. No.	Compiliation No.	Subject	Pages.
	Fin R and P/43	Financial and Civil Rules/Publications — correspondence relating to —	
1.	R.I. No. 611/21-1-43	Powers of Provincial Governments in regard to the transfer of Govt. servants to foreign service outside India or in Indian States.	3
2.	R.I.No. 772/28-1-43	Appointment of Bombay Civil Service officers in I.C.S. vacancies.	5
3.	R.I. No.62/Confl. 3-2-43	Grant of leave to officers of All India Services.	9
4.	R.I. No. 1424/17-2-43	Proposal to permitting Shri E. Sheeby I.P. Bombay to count his service in a temp. post created by the Provl. Govt. for increments in his substantive post in the I.P.	11
5.	R.I. No. 4488/1-4-43	Counting of service rendered by Provl. service officers in temp. unreserved posts for increments on promotion to the I.C.S. or the I.P.	13
6.	R.I.No.1080/6-2-43	Effect onthe conditions of service of Secy. of State's officers serving inthe Provinces of the Secy. of State's Rule delegating to Governors acting in their individual judgment powers which the G.G. in Council exercised before 1-4-37 under Rules issued by the Secy. of State under sec. 96B of the 1919 Act.	15
7.	P.& S.D. Cir. 6779/34/8-2-43 R.I. 1412/16-2-43	Pension (Special additional) Grant of -	17
8.	P. & S.D.Cir.6779/34/ 17-4-43 R.I. No. 5062/19-4-43	——do——	21
9.		Papers re: Family pensions for dependants of Govt. Servants killed in the present disturbances.	23-25
10-	F.D. Cir. 3625/33-B 13-3-43 R I No 4301/26-3-43	Financial publication - Distribution List for the New Rates of pay Rules and Pay and Cadre Schedules (Financial Publication No. XI).	27

ARD 2318

11.	G.R.F.D. No. 1018/33 13-3-43. R.I.No. 4454/ 30-3-43.	Daily Allowance First and second grade Officers going on duty to Panchgani	31
12.		Preservation of the rights of appeal of the Officers appointed before the commencement of part III of the G. of I. Act, 1935.	33
13.	R.I. No. 4728 8-4-43.	Leave - Grant of Medical certificate for - to Government Servants.	39
14.	R.I. No. 4492/1-4-43	Proposed (Amendment of the Reservation of posts (Officers in His Majesty's Forces) Rules 1938.	45
15.	G.R.P.& S.D. No.1567/34 27-5-43. R.I. No.6100/28-5-43.	Reserved Posts- Holding in abeyance of - and creation in their place of xx temporary posts of a different status - sanction of secy. of state necessary for the -	49
16.	R.I. No.5782 13-5-43.	Fixation of the pay of Secretary of state's Officers in temporary non-reserved posts.	51
17.	R.I.No. 6206 13-6-43.	Fixation of the pay of Secy. of State's Officers in temporary non-reserved posts.	53-54
18.		F.D's note -re-concessions referred to in Articles 349-A and 404-A of G.S.P's.	55
19.	R.I.No. 6112 28-5-43.	Shri S.L.Chaudhari P.A. to R.L.A. should draw the T.A. while going to Poona along with Govt.	59
20.	G.R.F.D.No. 5819/33 25-6-43 RI No 7220/10-7-43	Log. books - Maintenance of - for Govt. Motor Vehicles.	67
21.	G.R.F.D.No. 1922/33/30-7-43. RI No 7960/5-8-43	T.A. - Maintenance of horses by Distt. Officers.	69
22.	G.R.F.D.No. 3335/33 28-7-43. R.I.No.8141 10-8-43.	Leave Salary - Non -gazetted Govt. Servants on foreign Services.	71

23.	G.R.F.D.No. 2814/33 29-7-43. R.I.No.7961 5-8-43.	Advances - for the purchase of producer Gas plants power to sanction.	73
24.	R.I.No.8599 26-8-43.	Superior Civil Services (Extraordinary Pension) Rules 1936.	75-76
25.	R.I.No.9680 7-10-43.	Fixation of the pay of Secy. of State's Officers in temporary, non-reserved posts.	83
26.	G.R.F.D.No. 3942/33 3-11-43. R.I No 11056/26-11-43	Daily Allowance. Inferior Government Servants.	87
27.	G.R. P. & S.D. No. 1567/34 10-11-43. R I No. 11526/10-12-43	Grant of special pay to offices under the control of the Secretary of State.	89
28.	G.R.F.D.No. 3335/33 18-11-43. R.I No 11498/16.12.43	Compensatory Allowance. Payable during leave taken by a Government Servant in or at the end of foreign service.	91
29.	G.R.P.& S.D. No. 1591/34 16-11-43. R.I.No. 11594/14-12-43.	Bombay Civil Services classification and Recruitment Rules - Exclusion of the Posts in purely temporary establishments created as a War Measure and for the duration of the War from the operation of rule 7 of the -	93
30.	G.R.F.D. No. 1922/33 13-12-43. R.I No 11821/21-12-43	Travelling Allowance Revision of -	95
31.	G.R.F.D.No. 1922/33 11-12-43. R.I.No. 12001/ 28-12-43.	Daily ~~Pay~~ Allowance - Govt. servants visiting the Municipal Areas in the B.S.D. on duty.	97
32.	G.R.F.D.No. 5819/33 25-10-44 R.I.No. 10054 23-11-44.	Log. Books - Maintenance of - for Govt. Motor Vehicles.	99

- 31/7/46

23/8

(Below copy of the letter from the Government of India, Finance Department, No.F.I.(24)-R.I/41, dated the 10th December 1942).

No.335/33-C. Finance Department.

Bombay Castle, 19th January 1943.

Forwarded to the Accountant General, Bombay and all Departments of the Secretariat for information and guidance in continuation of the Finance Department Endorsement No.3335/33/7129-C, dated the 18th March 1942.

By order of the Governor of Bombay.

Sd/-

Deputy Secretary to the Government of Bombay, Finance Department.

E.K.N.18/5/
4C.

No.F.1(24)-R.I/41.
Government of India.
Finance Department.
Simla, the 10th December 1942.

From

H.C.Beaumont, Esquire, I.C.S.,
Under Secretary to the Government of India,

To

All Provincial Governments.

Subject:- Powers of Provincial Governments in regard to the transfer of Government servants to foreign service outside India or in Indian States.

Sir,

I am directed to invite a reference to paragraph 3 of this Department letter No.F.1(24)-R.I/41, dated the 27th November 1941, on the above subject, in which it was indicated that in connection with transfers to foreign service outside India, sanction to the Secretary of State would be necessary in the case of officers under his rule-making control serving in the province. This position has changed with the issue of the rule made by the Secretary of State on the 14th April 1942 and published in the Home Department's Notification No.195/-40-Ests., dated 9th June, 1942, copy endorsed to the Government of Madras /etc., I am to explain, therefore, that under the Secretary of State's rule mentioned above, F.Rs.110(b) and (c) now confer on the Governor of Province, exercising his individual judgment power to sanction transfers to foreign service outside India and power to impose by general order restrictions in the Case of transfers to the service of an India State and that the sanction of the Secretary of State in each case is not now required.

2. I am in this connection to invite your attention to paragraph 2 of this Department letter No.F.1(24).R.I/41, dated the 27th November 1941 as further explained in this Department letter of even number dated the 6th March 1942 and to say that the convention desired to be established therein in regard to prior consultation with the Government of India and the Crown Representative will not be affected by the exercise by the Governor in his individual judgement of the powers mentioned in paragraph 1 above I am to add that the Government of India would be glad to be consulted before-hand in regard to the transfer of Secretary of State's officers serving in the Provinces to foreign service in countries outside the British Empire.

I have the honour to be
Sir,
Your most obedient servant,

(Sd) H.C.Beaumont,

Under Secretary to the Government of India.

E.K.N.18/b

Copy of a letter from the Government of India, Home Department, No.13/3/41-Ests, dated the 19th November 1942.

Subject:- Appointment of Bombay Civil Service Officers in I.C.S. vacancies.

With reference to your letter no. 8642-E/42, dated the 6th May 1942, I am directed to forward for information extracts from the India Office letter No.S.&G.1126/42, dated the 12th August 1942, together with a copy of the India Office letter no. S.&G.916/42 dated the 27th June 1942, referred to therein.

Extract from India Office letter No.S.& G.1126/42 dated the 12th August 1942 to the Government of India, Home Department.

Appointment of certain Provincial Civil Service officers to officiate in reserved posts for more than twelve months - North West Frontier Province, Central Provinces and Berar, and Sind.

---

4. With regard to your letter of the 9th June, No.13/3/41-Ests., I am directed to refer to the Government of Bombay's letter no.8462-E/24, dated the 3rd July 1941, copy of which formed the enclosure to Home Department letter no.13/3/ 41-Ests datedthe 26th July 1941, and to point out that it was there stated that the Provincial Civil Service officers named and "been appointed to officiate in posts reserved for members of the Indian Civil Service". From the facts now given by the Government of Sind in their letter of the 22nd April 1942 enclosed with your letter under reference, it would appear that this statement was incorrect and that the officers concerned were serving in temporary posts which had been substituted for reserved posts. In this connection I am to refer to this Office letter of the 27th June, No. S.& G.916/42, and to say that an arrangement under which a reserved post is kept vacant and a temporary post is created in its place should not be resorted to in future without the sanction of the Secretary of State and that in any cases in which such an arrangement is in force on the receipt of this letter it should be terminated immediately Indian Civil Service officers become available for appointment to the reserved posts concerned.

Copy of India Office letter no.S. & G.916/42, dated the 27th June, 1942 to the Government of India, Home Department.

Holding in abeyance of the reserved post of Under Secretary to the Government of the Punjab and the creation in its place of a temporary post of Deputy Secretary.

In reply to Mr.Das's letter of the 12th May 1942,

No. 14/40-Ests., I am directed to say that the Secretary of State sanctions the continuance of the arrangement whereby a temporary post of Deputy Secretary has been substituted for a reserved post of Under Secretary, in the Punjab, for a further period of two years from the 18th January, 1942. He also sanctions the continued grant of the special pay of R. 150/- per mensem to the holder of this post up to the 17th January, 1944.

With regard to the question raised in Mr. Menon's demi-official letter of 26th August, 1940, the original of which has not been received here, I am to say that although it is correct that Provincial Governments have power to create posts and to fix the pay thereof and that Rule 10(3) of the Classification Rules is no longer operative, it was never intended that the provisions of Rule 7 of the Reserved Posts (I.C.S) Rules should be used in conjunction with these powers to alter the construction of the cadre of a service sanctioned by the Secretary of State under section 244(3) of Act. Moreover the holding in abeyance of an inferior reserved post and the substitution for it of an unreserved superior post removes the post from the scope of Section 246(2). If the making of such a change were permissible it would seem to follow that it would be equally permissible for the authorities in India to hold in abeyance a superior post and creat a temporary inferior post in place. Action along these lines would not only change the construction of the cadre of the service but would render nugatory the provisions of Section 246 of the Act of 1935.

No.1567/34-D.

Political and Services Department.
Bombay Castle, 27th January 1943.

Forwarded to:-

The Secretary to the Governor,)
The Accountant General, Bombay,) for information.

All Departments of the Secretariat (except the Separate Department) for inforation and guidance.

By order of the Governor of Bombay,

Sd/-

for Secretary to the Government of Bombay,
Political and Services Department.

:.K'N.18/5/

CONFIDENTIAL.

Grant of leave to officers of All-India Services.

GOVERNMENT OF BOMBAY.
POLITICAL AND SERVICES DEPARTMENT.
Circular No.18/1-Appts.
Bombay Castle, 1st February 1943.

C I R C U L A R.

Government is pleased to issue the following further instructions with reference to the orders issued in Government Circular, Political and Services Department, No.18/1-Appts., dated the 13th April 1942, regarding the grant of casual leave and leave for short periods to officers of All-India Services;-

Conditions during the past six months have made it difficult to adhere closely to this Circular. They are, however, now easier and Heads of Departments are requested to see that during the coming hot weather, as many officers as possible, who should have a rest apply for and are granted leave. Those who have not taken leave for the past 2 or 3 years should particularly be advised to do so now.

Heads of Departments are also requested to see that arrangements are, as far as possible, made for carrying on the current duties of officers during absence on casual leave. It must detract greatly from the value of a rest if during such leave work is accumulating which may take weeks of overtime to clear up.

By order of the Governor of Bombay.

K.L.PANJABI,
Secretary to the Govemment of Bombay,
Political and Services Department.

To

All Departments of the Secretarat (Except the Separate Department),
The Secretary to the Governor,
The Commissioner, Central Division,
The Commissioner, Northern Division,
The Commissioner, Southern Division,
The Inspector General of Police, Province of Bombay,
* The Honorary Secretary, I.C.S. Association (Bombay Branch)
* The Honorary Secretary, Indian Police, Assocation.

* By letter.

E.K.N.18/5
40.

Copy of a letter from the Government of India, Home Department, No.51/11/42-Police, dated the 18th December 1942.

Subject:- Proposal for permitting Mr.R.Sheehy, I.P., Bombay, to count his service in a temporary post created by the Provincial Government for increments in his substantive post in the I.P.

With reference to the correspondence resting with your letter No.4706/4-II, dated the 16th June 1942, I am directed to forward, for information, a copy of the papers noted in the margin, on the subject noted above, together with a copy of the relevant extracts from the India Office letter No.S. & G. 825/42, dated the 19th June 1942, mentioned in enclosre 2.

1. Letter to the India Office No.51/11/42-Police, dated the 29th July 1942 (without enclosure)	:
2. Letter from the India Office No.S.& G.1283/42, dated the 9th September, 1942.	:

Copy of Home Department letter No.51/11/42-Police, dated the 29th July 1942 addressed to the India Office, London.

Subject:- Proposal for permitting Mr.E.Sheehy, I.P., Bombay, to count his service in a temporary post created by the provincial Government for increments in his substantive post in the I.P.

With reference to the correspondence ending with the India Office letter No.S.&G.2342/41, dated the 26th November 1941, I am directed to forward for the consideration and orders of the Secretary of State a copy of a letter from the Government of Bombay No.4706/4-II, dated June 1942, on the subject mentioned above. I am to request that the Secretary of State may be moved to issue orders permitting Mr.Sheehy to count the service rendered by him in the temporary post of Deputy Commissioner of Police for increments in the Senior time scale of the I.P.

Copy of India Office letter No.S.&.G.1283p42, dated the 9th September 1942 to the Government of India, Home Department.

With reference to Mr.Shhay's letter dated the 29th July 1942, No.51/11/42-Police, I am directed to say that the case of Mr.E.Sheehy should be disposed of in accordance with the provisions of Mr.Field's letter of 29th June 1942, No.S.& G.825/42, on the subject of counting of service in temporary posts for increments on promotion.

Extracts.....

Extracts from letter No.S. & G. 825/42, dated the 29th June 1942, from India Office to the Government of India, Home Department.

Counting of service rendered by Provincial Service Officers in temporary unreserved posts for increment on promotion to the Indian Civil Service or the Indian Police.

In continuation of this Office Letter No.S. & G. 1740/41 dated the 9th September, I am directed to inform you that the Secretary of State agrees that Provincial Service officers promoted substantively to listed posts in the Indian Civil Service or the Indian Police as the case may be allowed to count for increments in the senior time-scales of those services any service rendered in temporary posts carrying similar rates of pay and certified by Government to be equal in status and responsiblity to superior posts on the cadre of the Indian Civil Service or the Indian Police. The necessary additon will be made to the draft secretary of State Services (pay) Rules.

X X X X X

With regard to Provincial Service Officers who are only officiating in listed posts I am to say that the Secretary of the State has no power to regulate their condition of service as the provisions of section 247-249 of the Act of 1935 have been applied only to officers who have been appointed substantively to listed (reserved) posts. He is therefore unable to sanction the counting for increments of service rendered in temporary posts by those officers mentioned in the letters referred to above who have not been substantive promotion to such posts any such officers will be covered by the decision communicated in paragraph 1 of this letter.

X No.4967/4-A.
Home Department,
Bombay Castle, 15th February1943.

Forwarded with compliments for information and guidance to:-

All Departments of the Secretariat (except the Separate Department),
The Inspector General of Police, Province of Bombay,
The Commissioner of Police, Bombay.

Sd/-

Secretary to Government of Bombay,
Home Department.

Copies of a letter from the Government of India, Home Department, No.178/40-Establishments, dated the 15th March 1943, and of its accompaniments.

Subject:- Counting of service rendered by Provincial Service officers in temporary unreserved posts for increments on promotion to the Indian Civil Service, or the Indian Police.

With reference to your letter No.4057/4, dated the 9th September 1941. I am directed to forward for information and guidance a copy of a letter from the India Office, No.S.& G. 825/42, dated the 29th June 1942, on the above subject.

2. In this connection, I am to add that the relevant rules for the regulation of pay of Provincial Civil Service Officers appointed to Indian Civil Service posts that were previously in force are those contained in-

(i) Home Department notification No.F.134/27, dated the 15th April 1927;

(ii) Home Department notification No.F.754/22.Ests., dated the 21st August 1924, as amended by Home Department notification No.F.41/1/28-Ests., dated the 19th July 1928.

(iii) Home Department Resolution No.1260, dated the 24th June 1920.

The rules contained in (i) govern the pay of Provincial Civil Service officers appointed to hold inferior Indian Civil Service posts; those contained in (ii) govern the pay of such officers when appointed to hold superior Indian Civil Service posts; and those in (iii), to the extent not superseded by (i) and (ii) govern the pay of such officers when appointed to Indian Civil service posts outside the time scale. These rules continue to remain in force by virtue of section 276 of the Government of India Act, 1935, and subject to the provision of sub-section (3) (a) of section 241 (read with the Secretary of State's "Order" issued thereunder), the Provincial Governments are competent to cancel or modify them in so far as they provide for the regulation of pay of a Provincial Civil Service officer appointed in an officiating capacity to an Indian Civil Service post, as this is now a matter for the Provincial Governments to determine. In so far however as they govern the pay of Provincial Civil Service officers promoted substantively to Indian Civil Service posts, they can only be modified by the Secretary of State.

(This disposes of your letter No.4957/4, dated the 9th September 1941).

Copy of a letter No. S. &.G.825/42, dated the 29th June, 1942, from India Office, London, to the Govt. of India, Home Department, New Delhi.

Counting of service rendered by Provincial Service Officers in temporary unreserved posts for increment on promotion to the Indian Civl service or the Indian Civil Service or the Indian Police.

In continuation of this office letter No.S.&.G.1740/41, dated thr 9th September 1941 I am directed to inform you that the Secretary of State agrees that Provincial Service Officers promoted substantively to listed posts in the Indian Civil Service or the Indian Police as the case may be allowed to count for increments in the senior time scales of those services any service rendered in temporary posts carrying similar rates of pay and certified by Government to be equal in status and responsibility to superior posts on the cadre of the Indian Civil Service or the Indian Police. The necessary addition will be made to the draft Secretary of State's Services (Pay)Rules.

. In this connection I am to refer to the Home Department letters No.216/41-Ests., dated the 24th February and Nos. 124/42-Ests., 136/42 Ests., and 147/42-Ests., all dated the 14th April, and to say that the Secretary of State has sanctioned the counting of service in temporary posts of increments in the senior time-scale of the Indian Civil Service or the Indian Police as the case may be, by the officers named below for the periods stated against their names in the letters referred to above:-

. Mr.Shariff Khan Hamiff Khan,

Mr.D.C.Joshi,

With regard to Provincial Service officers who are only officiating in listed posts I am to say that the Secretary of State has no power to regulate their conditions of service the provisions of sections 247-249 of the Act of 1935 have been to listed (revered) posts. He is therefore unable to ~~it~~ sanction the counting for increments of service rendered in temporary posts by those officers mentioned in the letters referred to above who have not been substantively appointed listed posts. On receiving substantive promotion to such posts any such officers will be covered by the decision communicated in para.1. of this letter.

No.4967/4-A.
Home Department,
Bombay Castle, 27th March 1943.

Forwarded with compliments for information and guidance to:-

All Departments of the Secretariat (Except the Separate Department) (in continuation of Government Endorsement Home Department, No.4967/4-A, dated the 15th February 1943)

The Accountant General, Bombay (In continuation of Government Letter, Home Department, No.4967/4-A, dated the 9th Fe-bruary 1943).

By order of the Governor of Bombay,

Sd/-

for Secretary to the Government of Bombay,
Home Department.

Copy of a memorandum No.135, dated the 29th January 1943 from the Secretary to the Governor of Bombay.

Subject:- Effect on the conditions of service of Secretary of State's officers serving in the Provinces of the Secretary of State's Rule delegating to Governors acting in their individual judgment powers which the Governor-General in Council exercise before 1st April 1937 under Rules issued by the Secretary of State under section 96B of the 1919 Act.

Reference is invited to the Government of India, Home Department, Notification No.195/40-Ests., dated the 9th June 1942 (republished in P.&S.D.Notification No.S.8, dated 24th June 1942), publishing a rule made by the Secretary of State under section 247(1) and section 250 of the Government of India Act, 1935, which confers on a Governor acting in his individual judgment, as regards persons serving in connection with the affairs of a Province, all the powers which the Governor-General in Council exercised before 1st April 1937 under the Secretary of State's rules made under section 96B of the 1919 Act. One of the effects of the new rule is that the powers which the Governor General may lawfully exercise under the rules regulating the conditions of service in respect of the Secretary of State's officers serving at the Centre can now be exercised by a Governor in his individual judgment in respect of such officers who are serving in connection with the affairs of a Province.

2. As this position may result in a lack of uniformity in service conditions of Secretary of State's officers serving the Centre and in the Various Provinces, though this risk will exist only till the making of new rules by the Secretary of State under section 247 of the Government of India Act, 1935, it is desirable to avoid, as far as possible any substantial departure from uniformity in this interval. It is accordingly necessary that all cases to be disposed of under the new rule by the Governor acting in his individual judgment should, in the

first.....

first instance, be referred to the Secretary to the Governor General (Public) through this office:-

(a) Where a devision from the existing interpretations of the Fundamental Rules or form decisions of the nature of interpretations of other rules made by the Secretary of State, as given by the Governor-General-in-Council, is proposed, or where a doubt can be entertained, or where a different interpretation is possible; or

(b) Where it is proposed to modify the supplementary rules and orders issued by the Governor-General-in-Council, under the authority which vested in him before 1st April 1937, regulating the conditions of service of Secretary of State's officers serving in a Province.

No. 2285/34-D.
Political and Services Department.
Bombay Castle, 5th February 1943.

Forwarded to all Departments of the Secretariat (except the Separate Department) for information and guidance with reference to Government Notification (Political and Services Department) No. S.8., dated the 24th June 1942.

By order of the Governor of Bombay,

Sd/-

For Secretary to the Government of Bombay,
Political and Services Department.

Pension (Special additional).
Grant of:-

GOVERNMENT OF BOMBAY.
Political and Services Department.
Circular Memorandum No.6779/34.
Bombay Castle, 17th April 1943.

CIRCULAR MEMORANDUM.

The continuation of Government Circular, Political and Services Department, No.6779/34, dated the 8th February 1943, the following instructions are issued as regards the procedure to be followed for the submission of confidential character rolls:-

I. In respect of confidential character rolls to be written by the Chief Secretary to Government.

Wherever it has been directed in Government Circular Memorandum, No.6779/34, dated the 8th February,1943, that the confidential character roll should be written by the Chief Secretary to Government in consultation with the Secretary to Government of the Department concerned, the Secretary should made use of the annual confidential repo an the officer's work and submit it to the Chief Secretary with his opinion as to whether the service rendered by the officer should or should not be deemed to entitle him to the special additional pension for his previous year's service. The Chief Secretary will then submit these re to the Governor.

II. In respect of confidential character rolls to be written by the Chief Justice, High Court, the Heads of Departments.

An annual confidential report on the work and condu of each officer entitled to special additional pension should be written and submitted to the Administrative D ment concerned which will then submit it to the Governo Where available, use may be made of the annual confide reports on the officer's work or of any special report obtained.....

obtained.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
The Director of Agriculture,
The Chief Conservator of Forests,
The Inspector General of Police, Province of Bombay
The Director of Public Instruction,
The Secretary, Bombay-Sind Public Service Commission,
The Registrar, High Court, Appeallate Side, Bombay,
The Prothonotary and Senior Master, High Court, Bombay,
The Accountant General Bombay,
All Department of Secretariat.
(except the Separate Department).

A.G.'s Office, Bombay.

Returned with compliments.

I am afraid my remarks on this case have to be delayed in the absence of the copy of the Rules supposed to have been issued on 5/12 which have not been received in my office. Assuming that the rules are the same as mentioned at pages 45-47 of the Secretariat file there is nothing in these rules to prevent a reference to my office before issuing the orders re: the pension. If, however, it is the decision of Govt. that the pensions must be sanctioned without reference to my office I would earnestly suggest a reconsideration for the following reasons:-

(a) It is possible that a pension authorised by Govt. may be found after check to be excessive or inadequate and this will necessitate a revision of the Pension payment Order originally issued and may cause further delay and unnecessary work in authorising two pension payment Orders.

(b) If the cases are marked as extremely urgent and sent from the Secretariat in special covers, I would undertake to see that they are disposed of as speedily as possible and at any rate within a week of their receipt in this office.

(c) Since a gratuity of 3 months' pay is to be paid to the widow or other member of the family in one lump sum in advance of the sanction of thepension payment I think no undue hardship will be involved by a preaudit of the pension claim.

(Sd).....
For A.G.

u.o.r.to F.D.Bombay.
No.P.R.6879 26th Jan.1943.

Finance Department.

Submitted with reference to the office note, dated 16-1-43 (which was written under verbal instruction of the Jt.Secy).

2. F.D.Endst. No.5605/33-C, dated 5-12-42, was addressed to the Acctt. Genl. As the A.G. states that a copy has not been.....

Family pensions for dependants of Government Servants killed in the present disturbances.

Order of Government sanctioning a special scale of family pensions were communicated to all departments of the Sectt. and to the Accountant General, under F.D.Endst. No.5605/33-C, dated 5th December 1942. As verbally directed by the Jt.Secy. the proceedings underlying the F.D.Endst. of 5-12-42 may be shown u.o. to the Acctt. General.

2. According to B.C.S.Rs.210(c) and 213, a certificate about admissibility of a family pension has to be obtained from the Acctt. General, before the orders sanctioning pension can be issued. This provision of the rules is usually followed in granting family pensions. The grant of family pensions to the dependents of Govt. servants killed during the present disturbances stands on a different footing. In such cases it is desirable to sanction pensions as soon as possible and since publicity is given to such sanctions it is imperative that the pensions should granted without any avoidable delay. Govt. has directed that orders in such cases should be issued within 15 days of receipt of proposals in the Sectt. The Acctt. Genl. will, no doubt, ensure that the papers when referred to his office will be dealt with most expeditiously. As, however, the period within which Govt. intends that orders should be issued is short, it is suggested that the Acctt. General may be requested to state whether, in the special circumstance stated above, he would agree to orders being issued without first obtaining his audit report. Of course, the papers will be shown to the A.G., in each case, after the issue of order.

Id.V.D.G.
13-1-43.
Id.---

Id.R.R.R.
16/1

u.o.r. to the A.G. dated 16-1-43 (with loose papers 5005/33)
A.G.

25-

been received in his office, a copy will now be sent to him.

3. In regard to protion 'A' of the A.G.'s u.r. it is observed that there is no decision of govt. that family pension in case of Govt. servants who are killed in the present disturbances should be sanctioned without reference to the A.G.Govt.has, however, directed that orders in these cases should be issued within 15 days of receipt of proposals in the Sectt. The period is short and it may not be possible to issue orders within the time-limits even though the A.G. has promised that cases will be dealt by him as speedily as possible. It was only suggested in the F.D. note of 16-1-43 that in view of the necessity of issuing orders urgently the papers may be shown to the A.G. after issue of orders. This suggestion is consistent with the provisions in Instruction I below BCSR 213 according to which wherein pension is first sanctioned by a competent authority, pension payment order is issued by the A.G. only after he is satisfied that the claim is in order.

4. In regard to the A.G.'s objection at 'B' of his u.r. it is submitted that since the amount of family pension is based on the pay at the time of death there will be no question of the pension being excessive. Whether the pension proposed is inadequate is for govt. to decide.

5. It is for consideration whether the A.G. should be requested to reconsider his view.

Id-----

2-2-43.

As the A.G. considers that pre-audit of the pension claim is necessary before final orders are passed by Govt. he may accept his view and follow the prescribed procedure. He has undertaken to see that the cases are disposed of in his office as speedily as possible and at any rate within a week.

Id-----

u.cnr.

3/2

Yes.....

T.K.N.18/5/

Yes.A.G. may see this u.o.F.D.should watch the urgent disposal of these cases.

Sd.V.
3/2.

u.r. to the Acctt. Gener l dated 4-2-1943.

Seen and returned with c.

Id.-----
8/2/43.

u.r. to F.D. Bombay
No.F.R.7156 of 10th Feb.1943.

Finance Department.

Submitted.

The Jt.Secy. has directed that F.D. should watch the urgent disposal of such cases. It is submitted that according to the instructions followed in F.D., such cases are not to be kept in F.D. for more than 48 hours, In practice when such a case is received in office it is dealt with immediately and taken personally to the Dy.Secy.

2. If it is intended that office should watch the disposal of thecase in the A.G.'s office, it will suffice, when a case is passed on to the A.G. by this office and it is not intended that the A.G. should return it to this office, to give immediate intimation to the administrative deptt. concerned to the effect that the case has been passed on to the A.G. When, however, it is expected that the A.G. would return the case to the F.D., enquiries will be made in the A.G.'s office, two or three days after the case is sent to him.

3. It is suggested that these papers may be shown u.o. to the Sectt. Deptts. for information.

Id.DHD.
11-2-43.

Id. -----
11/2
Id.------11/2

u.r. to R.D.,G.D.,H.D.,P.&S.D.,L.D. and P.W.D. d.12-2-43.

L.D.....

L.D.

Seen and passed on to P.W.D.

Id.----

18/3

Supdt, Id.J.D. 18/3

SAS Id.RTK 18/3

u.r to P.W.D. No. 2115 dated 24th March 1943.

Copy of a letter from the Government of India, Home Department, No.845/41-Ests., dated the 14th January,1943.

Subject:- reservation of the rights of appeal of the officers appointed before the commencement of part I of the Government of India Act,1935.

I am directed to forward for information a copy of the

Letter from the Govt. of the United Province No. 4247/II-14-41, dated the 11th November 1941. Letter to the India office, No.845/41-Ests. dated the 30th June 1942, together with extracts of paragraphs 5.6.6.7. and 9 of the secretary of State for Burma's despatch to the Governor of Burma, No.10, dated the 22nd July 1937. Letter from the India Office, No.S.40.1176/42, dated the 10th September1942, with enclosure.	correspondence noted in the margin on the subject noted above.

2. I am to add that printed spare copies of the direction made by the Secretary of State will be furnished to the Provincial Government, separately.

Copy of a letter No.4247/-II-14-41, dated the 11th November 1941, from the Government of the United Provinces appointment Department, to the Government, GG of India, Home Department.

I am directed to say that, under section 241 of the Government of India Act, 1935, this Government are preparing a set of classification, control and Appeal Rules for the services and posts under their rule making power. Under clause (b) of sub-section (3) of that section every person, who before the commencement of part II of that Act, was serving his Majesty in a civil capacity in India shall have the same rights of appeal to the same authorities as he had immediately before that commencement. Members of certain services, who were appointed before April 1, 1937, had a right of appeal in disciplinary cases from "the Government" to "the Governor" and the question has arisen whether this right should or can be maintained in the new rules.

2. Under the existing Act there is no distinction between the Government and the Governor, and the duty of safeguarding legitimate interests of members, of the public services is one in which the Governor may exercise his individual judgment. It would appear to be meaningless therefore to continue to provide in the rules for an appeal from "the Government" to the "Governor".

3. I am to ask that the question raised in this letter be referred to the Secretary of State for India, and that in particular, if it is considered that the difficulty raised by depriving these officers, on paper of a right of appeal is a substantial one, he be asked whether the difficulty can be overcome by a direction issued by him under the provision of clause (b) of subsection (3) of section 241 of the Act. It would not appear desirable that appeals should be heard by any authority outside the province, but it might be possible that in these cases appeals against orders of the Government be heard by the Governor acting in his discretion.

Copy of.....

Copy of a letter No.245/41-Ests., dated the 30th June 1942, from the Government of India, Home Department to His Majesty's Under Secretary of State for India, India Office, London.

Subject:- Preservation of the rights of appeal of the officers appointed before the commencement of Part III of the Govt. of India Act, 1935.

I am directed to forward for the consideration and orders of the Secretary of State for India a copy of a letter from the Government of the United Provinces No.4247/II.14.41, dated the 11th November 1941, on the subject noted above. In this connection I am to invite a reference to the correspondence resting with Mr.Lillie's demi-official letter No.9/Ap38-Ests., dated 30th January, 1939, from which it will be observed that questions analogous to those raised by the United Provinces Government have already been the subject of discussion between the Government of Indiam and the India Office.

2. I am to say that the Government of India consider that the right of appeal in disciplinary cases from "the Government" to the "Governor", enjoyed under the Civil Services (Classification, Control and Appeal) Rules (vide rules 57(5) and 58(2) of those Rules) by certain classes of officers who were appointed before the 1st April 1937, should be maintained since, its loss might be disturbing to the officers concerned; and that the said right could be maintained by issuing directons under section 241 (3)(b) of the Government of India Act, 1935. In this connection the Government of the United Provinces have suggested that the directions to be issued under section 241(3)(b) may specify the "Governor in his discretion" as the authority corresponding to the "Governor" under the old constitution; but, in view of the considerations mentioned in paragraph 6 of the Secretary of State for Burma's despatch No.10, dated the 22nd July 1937, to the Governor of Burma, a copy of which was received with the India Office Demi-official letter No.S.&G.4660/38 dated 30th July 1938, the Government of India consider that the corresponding authority in question should be the Governor exercising his individual judgment"

3. I am accordingly to request that the Secretary of State may be moved to issue the necessary directions under section 241(3)(b) of the Government of India Act, 1935.

Directs from a copy of a despatch from the Secretary of Bombay State for Burma, Burma office, London, to His Excellency the Governor of Burma, No.10, Burma, dated the 22nd July 1937.

4. Before proceding further to a decision it will be convenient to consider two points first, what authorities have to be replaced, and second, from what authorities appeals will lie in future. As regards the first, the Provincial and Specialist services had, at the commencement of the Government of Burma Act, an appeal from final orders of the Local Government (i.e. Governor in Council or Governor with Ministers as the case might be) to the Governor. The Central Services had an appeal from the orders of the administrative head of their service to the Governor-General in Council. As regards the second point, appeals from officers of all these services will in future, lie either from an authority subordinate to the Governor, to whom disciplinary powers have been or may be delegated, or from the Governor. In the latter case the matter under appeal would have been dealt with, in the first instance, by the Minister (or Ministers departmentally concerned, who would have rendered their advice to the Governor as to what orders should be passed

or would have passed orders themselves expressed as orders of the Governor. Under Rule of the Rules if Executive Business (and Instructions 15 and 16 appended thereto0 the matter would in all probability have been brought to the personal attention of the, Governor, who would thus have had the opportunity at the initial stage, when the matter first reached the Government, to exercise his individual judgment whether to accept or reject the advice tendered to him by Ministers,. When matter reachs the Government on appeal to the Governor, the Governor will personally have a second opportunity to exercise his individual judgment. In the former case, no less an appeal to the Governor (if the subordinate authority is such that an appeal from it would the Governor and not to some authority higher than that which passed orders, but still subordinate to the Governor) will, by virtue of the same Yule and Instructions, be within the personal cognisance of the Governor himself.

5. There is clearly little apparent distinction to be drawn between the circumstances of the two stages of Orders passed in the name of the Governor and of disposal of an appeal to the Governor, and it has been suggested that in order to create distinction the existing rights of appeal to the Governor and to the Governor-General should be replaced by an appeal to the "Governor acting in his discretion".

6. I agree that the device of an appeal to the Governor specifically stated as acting in his discretion would appear to have the advantage of continuing the established system and of setting up an appeal authority distinguishable from the Governor who whether acting on advice or exercising his individual judgment in dissent from it, may have passed the orders against which the appeal is made. But it is an important element in the policy underlying the Government of Burma Act that such elements of dyarchy as remain in the constitution should be minimised and not empahsised. In spite, therefore, of the provisions of section 98(3)(b) of the Act, which allow the Secretary of State to specify new appeal authorities I consider that it would contravene the spirit of the Act, if the Secretary of State were to substitue the Governor acting in his discretion" for the Governor and the Governor General. Further, the abovequoted section relates only to officers who were in service before the commencement of the Act, and the new appeal rules in relation to officers appointed after 1st April 1937 have to be made on the advice of Ministers. Even, therefore, if it were possible and desirable that in relation to officers serving before 1st April 1937 the "Governor acting in his discretion" should be substitued for "The Governor" and "the Governor-Ganral" The final consideration that weights with me is that it is not necessary in the interest of these services to provide an appeal to the Governor acting in his discretion, in asmuch as the Governor, in exercising his individual judgment, is no less amenable to directions from the Secretary of State than when actingin his discretion, and it is no less incumbent on the Governor when exercising his individual judgment to refer cases of doubt to the Secretary of State than when acting in his discretion.

7.....

7. I have therefore decided that appeals from officers of the Services now under discussion should be to the Governor, and that the new appeal rules, when made should lay down that in carrying out his functions in this regard the Governor shall exercise his individual judgment. I appreciate that in cases in which the orders appealed against have been passed by the Governor, who will had the opportunity of exercising his individual judgment at that stage, this decision has the effect of substituting for an appeallate decision a revision of orders by the authority which passed them. But, on the otherhand, it will os observed that in such cases, as a consequence of the special responsibility for the rights and interests of the Services placed upon the Governor by section 8(1)(b) of the Government of Burma Act, even the orders appealed against will have been considered by the Governor personally in the exercise of the individual judgment; while the existence of the right to appeal will ensure that in cases were the original orders have operated harshly or in an unintended manner, or factors, have emerged which were non-existent or unobserved when the original orders were passed, such cases will be considered for a second time by the Governor personally.

X X X

9. From that I have said above, it follows that the first appeal officers appointed by the Secretary of State, in Council or the Secretary of the State should be to the Governor and their second appeal to the Secretary of State. There may at first sight seem to be more to be said in favour of allowing these of officers an appeal to the Governor acting in his discretion than can be advanced in the case of the Provincial Services, and provision to this effect could no doubt be made under section 105(1)(b) of the Act. Nevertheless, I consider that the objection in principle which I have stated in paragraph 6 of this Despatch would still remain; and further, that it would be a highly artificial device to allow an appeal to the Governor in his discretion from orders in respect of most of which he had had an opportunity of exercising his individual judgment.

X X X X

Copy of India Office letter No.S.&.G.115/42, dated the 18th September 1942, to Government of India, Home Department.

Subject:- Preservation of the rights of appeal of the officers appointed before the commencement of Part III of the Government of India Act, 1935.

With reference to Mr.Chainani's letter of the 30th June, 1942, No.245/42, Ests., on the above subject, I am directed to say that the Secretary of State agrees with the view expressed by the Government of India, and has issued a Direction under section 241(3) (b) of the Government of India Act, 1935, copy of which is enclosed.

I.....

I, LEOPOLD STENNETT AMERY, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by Section 241(3)(b) of the Government of India Act, 1935, hereby direct, with the concurrence of my Advisers, that the Rules prescribing the conditions of service of persons serving in connection with the affairs of a Province shall be so framed as to secure that every such person who, before the 1st April, 1937, was serving His Majesty in a civil capacity in India and had at that date a right of appeal to the Governor from any of the Orders specified in the said Section 241(3)(b) shall have a similar right of appeal from any such Order to the Governor exercising his individual judgment.

Given under my hand this 16th day of September 1942.

Sd/- L.S.Amery,

One of the Majesty's Principal
Secretaries of State.

No.1580/34-D.
Political and Services Department.
Bombay Castle, 5th March 1943.

Forwarded with compliments to:-

The Secretary to the Governor,
The Accountant General, Bombay,
All Departments of the Secretarat,
(except the Separate Department)

For Information and guidance.

By order of the Governor of Bombay,

C.K. Maru,
For Secretary to the Government Bombay,
Political and Services Department.

Finance Department.

B.C.S.R. 46 lays down that where an efficiency bar is prescribed in a time scale the increment next above the bar should not be granted to a Government servant without the specific sanction of the authority empowered to withhold increments. The rule prevents a Govt. servant from being allowed to cross the bar as a matter of course and empowers the competent authority to review his work, etc. Once however a Government servant is stopped at the efficiency bar, there is no rule under which his case would come for review at a latter date. The Government of India have recently issued the following orders in respect of Governments servants under them:-

"The cases of all officers held up at the efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and -- generally, whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant the removal of the bar"

The question now for consideration is whether orders on similar lines should be issued so far as this Government is concerned. This Department has issued no orders holding up any one indefinitely or for long periods at the bar; but it is not known whether such cases exist in other Departments. It is also not known whether the Departments are aware of the existence of any such cases under the heads of departments under them. The Departments of the Secretariat may be requested to consider this question and advise whether orders on the lines of those issued by the Government of India are considered necessary so far as this Government is concerned. If such orders are necessary all that is intended and considered sufficient is to issue a note on the lines of the G. of I orders below B.C.S.R. 46.

Id/-
16/1/43.

E K N.19/5/40.

Id/.....

Id/- 16/1/43.

U.O.to
R.D.
G.D.,
H.D.,
P.W.D., and
P. & S.D. in succession.

U.S.

R.D. may agree to "A".

It does not seem necessary to amplify "A" to provide for further deterioration of work. In such a contingency the threat of dismissal will suffice, and is the logical punishment if a person wilfully neglects to improve his work after stoppage of increment.

In view of the provisions of B.C.S.R45 it seems all orders with-holding increments must be for a definite period. Where such orders omit to state a period, the addition of "A" p.I ante. will put the owns of review on the withholding authority,and it is therefore adesirable addition to the rules.

Sd/-

Secy.

I agree with U.S.

U.O.R. to G.D. dated 10-2-43.
H.D.

U.O.R. to L.D. dated 27-2-43.

L.D. R..I.1698 dated 1/3/43.

Please see F.D. note at page 1-2 ante. It proposes that rule 46 of the B-C.S.Rs. regarding the holding up at the efficiency bars, the members of the staff for unsatisfcotyr work should be supplemented by a note giving a time-limit for such holding up, when their cases should be reviewed. There are no such cases in this Department.

2. This Department may agree with tne view expressed by the U.S.R.D. and concured in by the Secy. R.D. and pass on the papers to the P.W.D.

Id/-.....

Id/- D.R.P.
3/3/43.

Supdt. M.D.
9/3/

S.A.S. Sd/- R.T.K.
9/3/

A.L.R. Sd/- R.S.H.
9/3/

Secy. Sd/- P.N.M.
10/3/

U.R. to P.W.D. No.1822, dated 12th March 1943.

Submitted.

The paper referred to were passed on to P.W.D. under this DepartmentNo.1822 datdd 12/3/43 this may be passed on to that Department in continuation

Supdt. S.A.S. R.I.O. 27/3 U.R. to P.W.D. No. 2078 dated 22/3/43.

The main papers were passed on to P.W.D. This may also be passed on the same Department in continuation reminder No.560 dated 18/3/43.

U.O.R. to P.W.D. No.2287 dated 27/3/43.

File in Fin R.&P./43.

Sd/-

L E T T E R.

The Surgeon General with the Government of Bombay.

Subject:- Leave
Grant of Medical Certificates for - to Government servants.

No.4974/33/B, Bombay Castle, 3rd April 1943.

Reference your letter No.S.218/B, dated 10th June 1942, regarding your proposal that a rule should be inserted in the Bombay Civil Services Rules prohibiting Civil Surgeons from recommending leave to a Government servant who neither works nor resides in the district of the Civil Surgeon unless so authorised by the Head of the office in which the Government servant is working. Government considers that no such rule is necessary. You are, however, requested to issue a departmental circular to all Civil Surgeons to exercise greater vigilance in future in granting medical certificates to Government servants not residing in their respective districts. Government considers that the issue of a circular on these lines will meet the needs of the case.

Sd/.K.L.Panjabi,
Secretary to the Government of Bombay,
General Department.

No.4974/33/B,
General Department,
Bombay Castle, 3rd April 1943.

Copy with copies of the letter of the Surgeon General to which it is a reply, forwarded to all Departments of Secretariat (except the Separate Department) for information.

By order of the Governor of Bombay,

Sd/-K.L.Panjabi,

Secretary to the Government of Bombay
General Department.

Letter from the Surgeon General with the Government of Bombay, No.S.218/B, dated 10th June 1942.

Subject:- Leave
Grant of Medical Certificates for to Government Servants.

I have the honour to state that it has been noticed that in some cases Government servants obtained medical certificates from Civil Surgeons outside the district in which they are serving. This is undesirable unless so authorised by the head of the office.

Recently a Government servant serving and living in Bombay secured a medical certificate from Civil Surgeon, Thana, and departed forthwith to Ratnagiri-i.e. he was certainly not too ill to travel to Bombay to see Presidency Surgeon.

A few years ago a clerk who had been invalided by Medical Board in Poona interviewed Civil Surgeon, Nasik,. He told the latter that he was on leave on medical certificate but felt quite well and asked for a cer tificate that he was fit to resume his duties,

In such circumstances the Civil Surgeon made a very perfunctory examination and gave the certificate. Armed with this certificate, the clerk promptly caused a lot of trouble alleging that he should not have been invalided. In fact he was an open case of Tuberculosis with positive sputum and positive X-rays.

In both cases the Civil Surgeon should have refused to examine without an order from superior authority. Naturally the Civil Surgeon will not refuse a certificate to a man who is plainly ill, and requires active treatment, but the certificate in such cases will not recommended a period of leave. It will merely state that the applicant is actually under treatment. This will enable the applicant to communicate with his Head of Office and the Head of Office will the authorise the Civil Surgeon to r emummend leave

I, therfore, request Government to inse t a rule in the B.C.S. Rules prohibiting Civil Surgeon from recommending leave to any Government servant who neither works nor resides in district of the Civil Sur-geon unless so authorised by the Head of Office."

R.I.4738.8./4/43.

. Submitted for information.
2. File in Fin.R.&P/43.
No index-card is necessary.

Sd/-

Below a copy of a letter No. 63/1/41-Ests., dated the 22nd July 1942, from the Government or India, Home Department, and its accompaniments, which remained to be endorsed through oversight.

No.1567/34-D.
Political and Services Department.
Bombay Castle, 31st March 1943.

Forwarded to all Departments of the Secretariat (except the Separate Department), the Secretary to the Governor and the Accountant General, Bombay, for information and guidance.

2. The Secretary of State has since amended the Reservation of Posts (Officers in His Majesty's Forces) Rules, 1938- Vide Government of India, Home Department, Notification No.63/1/41.Ests., dated the 21st October 1942, copy enclosed.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay, Political and Services Department.

E.K.N.19/5/

40.

Copy of a letter from the Government of India, Home Department, No.63/1/41-Ests., dated the 22nd July 1942.

Subject:- Amendment of the Reservation of Posts (Officers in His Majesty's Forces) Rules, 1938.

I am directed to forward for the information of the Provincial Government a copy of the correspondence noted in the margin on the subject noted above. The draft amendment to the reservation of Posts (Officers in His Majesty's Forces) Rules, which forms an enclosure to the letter, from the Secretary of State will be published in the Gazette of India as soon as intimation is received from the India Office that it has been finally enacted and apre copies will be supplied to the Provincial Government in due course.

1. Letter to the India Office No. 63/1/41-Ests., dated the 16th December 1941.
2. Letter from the India Office, No.S.& G.126/42, dated the 21st April 1942.(with enclosure).

Copy of letter No.63/1/41-Ests., dated the 16th December 1941, from the Government of India, Home Department, to India Office, London.

I am directed to address the Secretary of state on the subject of an amendment in the Reservation of Posts (Officers in His Majesty's Forces) Rules, 1938.

2. The Government of Bombay recently requested the Government of India to move the Secretary of State to delete the entry in Schedule B to the above rules relating to Col.D.S.Johnston, C.I.E.,R.E., with effect from the date of his superannuation viz. the 7th August 41, in order to enable them to make permanent arrangements for filling the post of Superintending Engineer reserved for the officer. As will be seen from para. 2 of Home Department letter No.105/37-Ests., dated 19th January 1938, the intention of the Government of India was that this Schedule should consist of posts in respect of which there was either a certainty that future recruitment of officers in His Majesty's Forces would not be made or no certainty that such recruitment would be made, and which therefore should be treated as reserved only for the officers than holding the posts. The Government of Bombay were accordingly informed that the post being reserve for Col. Johnston only by name, the reservation would be automatically nullified as soon as Col. Johnston ceased on retirement to hold a lien on that post and that the Provincial Government were competent, without higher sanction, to make permanent arrangements for filling this post as soon as Col. Johnston retired.

3. This action was taken with the concurrence of the Audito General, who has, however, pointed that the intention underlying schedule B is not unambiguously borne out by rules 2 & 4, if they are literally interpreted. Rule 2 lays down that the number and character of civil posts (to be refe ed to as "reserved posts") which shall be filled by officers of the categories mentioned therein shall be as specified in the Schedules, Rule 4 says that the posts specified in Schedule B shall be filled by the persons named therein. If read literally the rules would thus appear to confer no ~~power on literally the rules would thus appear to confer no~~ power on the authorities in India to unreserve any of these posts and permanently to appoint thereto an officer other than an officer of the category mentioned in Rule, untill the

amends
Secretary of State the Schedule. In the parallel Rule 5 of the Reserved Posts (other Services) Rules which presumably was designed to produce the same effect as Rule 4 of the Reservation of Posts (officers in His Majestey's Forces) Rules, the wording is unambiguous and the extent of reservation is quite clear.

4. I am accordingly to request that, if the Secretary of State agrees that the Government of India have correctly interpreted the underlying intention, he may be moved to make the following amendment in the Rules mentioned in para.1.

For the first sub-para. of rule 4, substitue "The posts specified in Schedule B shall be reserved so long as they are held by the persons named against them, being persons who when they were first appointed to a civil post under the Crown in India were officers in His Majesty's Forces.

Copy of letter No.S.&.G.126/42, dated the 21st April 1942, from the India Office, London, to the Government of India, Home Department.

Subject:- Proposed amendment of the Reservation of Posts (Officers In H.M.Forces) Rules.

I am directed to refer to Mr.Sahay's letter of the 16th December,1941, No.53/1/41 Ests., on the subject of the amendment of the Reservation of Posts (Officers in H.M. Forces) Rules.

2. In reply I am to say that the Secretary of State is advised that as the posts specified in both Schedules A and B to the rules in question are posts which are to be filled by Officers of a certain category, the reservation is not automatically nullified as soon as the Officer named in Schedule B permanently vacates the post mentioned in that Schedule.

3. He agree. however, that it was not the intention that the Posts in this Schedule should continue to be reserved after the Officers named against them had ceased to hold them, and he is, therefore, amending Rule 4(copy enclosed) in a manner which will make the position clear.

4. It will, however, be necessary to remove from Schedule B any posts which are no longer reserved, and such delations as may be required should be submitted periodically as is done in the case of the other Reserved Posts Rules.

Draft Amendment.

I, Leopold Stennett Amery, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by Sections 246 and 250(2) of the Government of India Act 1935 hereby make, with the concurrence of my Advisers, the following amendment in the Reservation of Posts (Officers in His Majesty's Forces) Rules, 1938, namely:

for the first sub-prargraph of Rule 4 of the said Rules, the following shall be substituted:-

"Notwithstanding anything in Rule 2, the posts specified in Schedule B shall only be reserved so long as they are held by the persons named against them being person who

when.....

When they were first appointed to a Civil post under the Crown in India were Officers in His Majesty's Forces.

Goven under by hand this day of 1942.

One of the Majesty's Principal

Secretaries of State.

HOME DEPARTMENT.

N O T I F I C A T I O N.

New Delhi, the 21st October 1942.

No. 63/1/41-Ests. The following amendment to the Reservation of Posts (Officers in His Majesty's Forces) Rules, 1938, made by the Secretary of State for India is published for general information:-

"I, Leopold Stennett Amery, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 246 and 250 (2) of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following amendment in the Reservation of posts (Officers in His Majesty's Forces)Rules, 1938, namely:-

For the first sub-paragraph of Rule4 of the said Rules, the following shall be substituted:-

"Nothwithstanding anything in Rule 2, the posts specified in Schedule B shall only be reserved so long as they are held by the persons naked against them, being persons who when they were first appointed to a Civil post under the corwn in India were Officers in His Majesty's Forces".

Given under my hand this 25th day of June, 1942.

L.S.AMERY

One of His Majesty's Principal Secretaries of State.

H.K.CHAINANI,
Deputy Secy. to the Govt. of India.

Reserved Posts.
Holding in abeyance of -- and creation in their place of temporary posts of a difference status. Sanction of the Secretary of State necessary for the ---

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No.1567/34.
Bombay Castle, 27th May 1943.

Letter from the Government of India, Home Department, No.14/40-Establishments, dated the 15th May 1943:-

"I am directed to forward, the following extract from a letter from the India Office, No.S.&G.916/42, dated the 27th June 1942, for information and guidance:-

"I am to say that although it is correct that Provincial Governments have power to create posts and to fix the pay thereof and that Rule 10(3) of the Classification Rules is no longer operative, it was never intended that the provisions of Rule 7 of the Reserved Posts (I.C.S.) Rules should be used in conjunction with those powers to alter the construction of the cadre of a service sanctioned by the Secretary of State under Section 244(3) of the Act. Moreover, the holding in abeyance of an inferior reserved post and the substitution for it of an unreserved superior post removes the post from the scope of section 246(2). If the making of such a change were permissible it would seem to follow that it would be equally permissible for the authorities in India to hold in abeyance a superior post and create a temporary inferior post in its place. Action along these lines would not only change the construction of the cadre of the service but would render nugatory the provisions of section 246 of the Act of 1935."

The position thus is that the Secretary of State's sanction is necessary to the holding in abeyance of a reserved post...

post and the creation in its place of temporary post of a different status.

RESOLUTION:- Copies of the letter of the Government of India should be forwarded to Departments of the Secretariat and the Officers concerned for information and guidance.

By order of the Governor of Bombay,

I.H.TAUNTON,
Chief Secretary to Government of Bomba
Political and Services Departm
ment.

To

The Secretary to the Governor,
The Accountant General, Bombay,
All Departments of the Secretariat (except the
Separate Department).

Copy of letter No.83/42.Ests., dated the 31st March 1943, from the Government of India, Home Department.

Subject:- Fixation of the pay of Secretary of State's Officers in temporary non-reserved posts.

In continuation of this Department's letter on the above subject, No.83/42-Ests., dated the 10th June 1942, I am directed to forward, for information a copy of a Home Department letter No.83/42-Ests., dated the 2nd March 1943, to the India Office.

Copy of a letter No.83/42-Ests., dated the 2nd March 1943, from the Government of India, Home Department, to the India office, London.

Subject:- Fixation of the pay of Secretary of State's officers in temporary non-reserved posts.

I am directed to invite reference to Mr.Field's letter No.S.&.G.508/42, dated the 21st April 1942, and to report for the information of the Secretary of State that the Government of India have been applying the orders conveyed in paragraph 3 of that letter in accordance with the view that those orders confer powers on Governments in India to fix the pay of the Secretary of State's Officers, appointed to temporary unreserved posts created by them, either on the junior or on the senior time-scale irrespective of the pay to which they would be entitled by reason of the position held by them substantively in the cadres of their services or irrespective of whether the conditions precedent to the application of the "next-below" rule are fulfilled or not.

I am.....

I am to state that this report is being made at the instance of the Auditor General as he feels that the practice scope of the powers delegated by the Secretary of State is not quite Clear.

Copy of a letter from the Government of India Home Department No.83/42-Ests., dated the 4th May 1943 and its accompaniment.

Subject:- Fixation of the pay of Secretary of State's Officers in temporary, non-reserved posts

In continuation of this Department's letter No.83/42-Ests. dated the 31st March 1943 on the above subject, I am directed to forward for information a copy of a letter No. S.&G. 2105/43, dated the 20th March 1943 from the India Office,

---

Copy of a letter No.S. & G.2105/43, dated the 20th March 1943, from the India Office, London, to the Government of India, Home Department, New Delhi.

Subject:- Fixation of the pay of Secy. of State's officers in temporary non-reserved posts.

With reference to your letter of the 2nd March, 1943, No.83/42 Ests., on the above subject, I am directed to say that the action taken by the Government of India as stated in paragraph 1 of your letter is in accordance with what was intended by this Office letter of the 21 April 1942. No. S. & G. 508/42.

No. 1567/34-D.
Political and Services Department.
Bombay Castle, 31st May 1943.

.K N.19/5/
40.

Finance Department.

The concessions referred to in Articles 349-A and 404-A C.S.Rs. are as under:-

Article in C.S.Rs.	Nature of the concession.	Corresponding Rule in B.C.S.Rs.
404-A	Concession of adding the actual period not exceeding 5 years by which age at recruitment exceeded 25 years, for superannuation pension only.	284
465-A.	Concession of retiring voluntarily after 25 years" or 20 years' service instead of after 30 years' service.	255
474-A.	Enhanced pensions (upto Rs.6000 a year).	Scale III in B.C.S.R.282.
475.A.	Special addl.pensions.	262 to 288 and 289.

The position of L.D. officers in regard to the above concessions is considered below.

2. Secy.Leg.Council and Secy.Leg.Assembly:-

These posts are usually held by officers belonging to the I.C.S. The above concessions are not admissible to members of the I.C.S. These posts are not mentioned in the several rules quoted above and hence Provl. Service officers, holding them will not be eligible for these concessions, unless they substantively hold other posts which carry the benefits.

3. Asstt. Secy.Leg.Assembly:-

The post of Asstt. Secy. Leg. Assembly has been classified as a Provl. Service Post. This post has been classed with the posts of Asstt. Secys. to Govt. in the several deptts. of the Secretariat. It is therefore, presumed that the Asstt. Secy., Bombay Legislative Assembly, has the same status as that of Asstt. Secys. to Govt. The only concessions admissible to Asstt. Secys. to Govt. are (a) voluntary

retirement after 20 years duty and 25 years' service instead of 25 years' duty and 30 years' service B.C.S.R.255, and (b) higher maximum pension i.e., Rs.600 a year columns 6 and 8, scale III, B.C.S.R.282. The scope of B.C.S.R.255 has been restricted only to persons who entered Govt. Service on or before 3rd August 1931. It follows that the concessions mentioned above will not be admissible to persons who entered service after 3rd August 1931. ~~It follows that the concessions mentioned above will not be admissible to persons who entered service after 3rd August 1931.~~ The other concessions mentioned in para 1 above are not admissible to Assistant Secretaries.

3. Holders of the posts of Secys. Legislative Assembly and Council are not eligible for special Addl. pensions. The question of granting them this concession does not appear to have been considered so far. It is for the L.D. as the administrative Deptt. to say whether this question was ever raised before.) A

Id.
2/6/43.

Sd.
2/6/43.

U.R. to Legislative Assembly office dated 2/6/43.

Legislative Assembly.

L.D. may see with reference to A above.

Id.
4-6

Sd.S.K.S
5.6.

Secy. L.A. Sd.R.S.H.
7.6.

Secy.L.C. Sd. N.K.D.
7.6

U.R, to L.D. No. 295 dated 7/6/1943.

Legal Department.

R.I.No. 634, dated 8-6-1943.

Seen and returned.

2. Refer A p.10 ante. No question appears to have been raised before. Posts of Secretaries, L-A. & L.C. are ordinarly held by members of the Indian Civil Service and as such they are presumed to fall under item 4 of Part II of App.X for purposes of special additional pensions.

Id.V.R.D.
9.6.

Supdt.
Id.J.V.
11.6.

S.A.S.
Sd.R.T.K.
11.6

A.L.R. Sd.R.S.H.
11.6.

U.R. to F.D.No. 4192 dated 14-6-1943.

E.K.N. 21/5/
4C.

Legal Department.

On reversion, to the regular judicial line, of Mr. Palekar, who was Asstt. Secy. (Legislation), Mr.S.L. Chaudhari has been appointed P.A. to the R.L.A. and has been doing the Legislation work. Mr. Chaudhari in his capacity as P.A. to R.L.A. will be going to poona this year in place of A.S.(L). He may therefore be allowed to draw the travelling allowance under note to rule 4 and local and house rent allowances admissible under rule 12 of the Head-quarters Allowance Code after U.R. to F.D.

E.K.N.21/5/
4C.

Finance.....

Id.

L.A.... Id.

A.L.R. Id.

U.R. to F.D. No. 3658 dated 15/8/43.

Finance Department.

The L.D. states that as Mr.Palekar who was Asstt. Secy. (Legislation) has reverted to regular judicial line, Mr.S.L. Chaudhari has been appointed P.A. to the R,L.A. and has been doing the Legislation work. Mr. Chaudhari in his capacity as P.A. to the R.L.A. is to go to Poona this year in place of A.S.(L). That Deptt. therefore proposes that Mr.Chaudhari may be allowed to draw t.a. under note to rule 4 and local and house rent allowances under rule 12 of Appendix XVIII of the B.C.S.Rs. Vol.II. Under rule 12 both clerical establishments and the Asstt. Secy's. who are summoned to Poona jet house rent and local allowances at the same rates. We may therefore agree that P.A. to the R.L.A. may be allowed to draw house rent and local allowance, at the rates mentioned in Rule 12. As regards t.a., it may be stated that only officers mentioned in rule 3 and in Note to rule 4 get t.a. as for a journey on transfer. All other Govt. servants in superior service, get t.a. as for a journey on tour under Rule 6. The question for consideration is whether P.A. to the R.L.A. should be allowed

to.....

to draw t.a. as on transfer or whether he should be allowed t.a. as on tour.

P.A. to the R.L.A. is a grazetted officer but it is not known whether he is of the same status as Assistant Secy., L.D. or of an inferior status. If he is of the same status, then we may allow him t.a. as on transfer as in the case of other Asstt. Secys. If however he is of an inferior status, then we may suggest that he may be allowed t.a. as on tour. Before the proposal regarding t.a. is agreed to, L.D. may, therefore, be requested to state what the exact status of P.A. to the R.L.A. is.

Sd/-

U. R. to I.D. dated 27-5-1943.

Legal Department

The post of the P.A. to the R.L.A. is under the Bombay Civil Services Classification and Recruitment Rules included in the Provincial Services and Posts. Item (73) in Appendix A to the rules refers to P.A. to the R.L.A. In the said Appendix P.A. is mentioned along with the Assistant Secretaries under the heading Miscellaneous. In this connection attention is drawn to the note to rule 123 in Appendix C of the Rules which provides that posts of Assistant Secretary, Legal Department and P.A. to the R.L.A. may be filled by the appointment of members of the Bombay Civil Service (Judicial Brnach). In view of these provisions a line of difference can hardly be drawn between the status of an Assistant Secretary and that of P.A. Mr.Chadhari's case is stronger as he is in charge of legislative section section and is for all practical purposes doing the portfolio of an Assistant Secretary.

Sd/-

U.R. to F.D. No.4216. dated 15-6-1943.

Finance Department.

F Branch.

Submitted with reference to the office note dated 27-5-43.

2. In view of the L.D. note dated 14-6-43 we may agree that P.A. to the R. L. A. may be allowed to draw t.a. as for a journey on transfer or to actual expenses incurred, whichever is less, as in the case of otherAssistant Secys. who are summoned to Poona, provided his R.H.M. stay those exceeds one month 17/6/43.

Sd/-

U.O.R. to L.D. dated 19/6/43.

Submitted.

Draft memo is put up for approval.

E.K.N.21/5/40.

Sd/-

No.4517.
Legal Department.
Bombay Castle, 28th June 1943.

MEMORANDUM.

The Secretary to Government, Legal Department presents compliments to the Accountant General, Bombay and is directed to convey the sanction of Government to allow the Personal - Assistant to the Remembrancer of Legal Affairs to draw T.A. under ~~note~~ to rule 4 of Appendix XVIII of Bombay Civil Services Rules Vol. II as for a journey on transfer or to actual expenses incurred, whichever is less, as in the case of other Assistant Secretaries who are summoned to Poona, provided his stay there exceeds one month.

Personal Assistant to the Remembrancer of Legal Affairs should also draw house rent and local allowances at the rates mentioned in rule 12 of Appendix XVIII of the Bombay Civil Services, Vol. II.

By order of the Governor of Bombay,
R.T. Katarki,
Secretary to Government.

E.K.N.21/5/
40.

(P.T.O.)

To

The Accountant General, Bombay (through F.D.).

Copy to:-

Finance Department,
The Treasury Office, Poona.

Below copies of a letter from the Government of India, Home Department, No.83/42-Eats, dated the 16th September 1943, and its accompaniments.

No.1567/34-D.
Political and Services Department,
Bombay Castle, 6th October 1943.

Forwarded with compliments for information to:-

The Secretary to the Governor,

The Accountant General, Bombay,

All Departments of the Secretariat
(except the Separate Department).

in.....

ment endorsement,

partment, No.1567/34-D,

ter of the Governor of Bombay,

34/-

hief Secretary to Government,of
y, Political and Services Department.

No.83/42-Ests.
Government of India.
Home Department.

From

D.C.Das, Esquire, I.C.S.,
Under Secretary to the Government of India.

To

All Provincial Governments.

New Delhi, the 16th Sept.1943.

Subject:- Fixation of the pay of Secretary of State's Officer's in temporary, non-reserved posts.

Sir,

In continuation of this Department's letter No.83/42-Ests, dated the 4th May 1943 on the above subject, I am directed to say that the India Office have explained that the expression "the time scale of the services" occuring in paragraph 2 of this Department's letter No.83/42-Ests, dated the 10th June 1942, an interpretation of which was given in this Department's letter to the India Office, No.83/42-Ests, dated the 2nd March 1943 and accepted by the Secretary of State in the India office letter No. P.&G.2105/43, dated the 20th March 1943, also includes such selection grade scales of pay as form part of the time-scales in Schedule 1 to the Superior Civil Services Rules whether or not the officer is entitled to pay in these scales in an officiating or substantive capacity.

Para 2 not to the Govt. of the U.P.

2. *I am also to enclose for information a copy of a letter from the Government of the United Provinces No.1440/II-586-41 dated the 24th June 1945 and a copy of reply thereto, No.83/42-Ests, dated the 20th July 1945.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/-

Under Secy. to the Govt. of India.

No.83/42-Ests.
New Delhi, the 16th September 1943.

A copy, with copy of the enclosures, is forwarded for information to all Departments of the Government of India and the Secretary to the Governor-General (Public), the Auditor General, all Accountants General, and Comptrollers, the Director of Railway Audits, the Chief Controller of Supply Accounts, (Civil), New Delhi and the controllers of Supply Accounts, (Civil), Calcutta and Bombay, in Continuation of his Department's endorsement No.83/42-Ests, dated the 4th May 1943.

By order,

Sd/-

Under the Secy. to the Govt. of India.

A copy, with a copy of the marginall; noted* letters is forwarded for information to the Controller of Food Accounts.

.N.21/5/

4C.

Accounts/-

1. Letter No.83/42-Ests, dated the 10/6/1942.
2. Letter No.83/42-Ests, dated the 31/3/1943. with enclosures.
3. Letter No.83/42-Ests, dated the 4/5/1943, with enclosures.

By order,

Sd/-
Under Secy. to the Govt. of India.

Copy of a letter No.1440/II-586-41, dated the 24th June 1943, from the Deputy Secretary to the Government, United Provinces, Lucknow, to the Secretary to the Government, of India, Home Department, New Delhi.

Subject:- Fixation of thepay of Secretary of State's offices in temporary non-reserved Posts.

"With reference to the correspondence ending with Mr.Das's letter No.83/42-Ests, dated May4, 1943, on the subject noted above, I am directed to any that the wording of the Government of India, Home Department, letter No.83/42-Ests, dated March 2, 1943, to the India Office, regarding the interpretation of the Secretary of State's orders delegating to Governments in India the power to fix in certain circumstances the pay of officers under his rule making control, appointed to temporary unreserved posts created by them, can be construed to imply that the Secreary of State has authorized Governments in India even to grant pay in the junior time.scale to officers drawing pay substantively in the senior time-scale, who may be appointed to temporary unreserved posts created by them. This could hardly be the intention of the Secretary of State. I am to request that the intention of the Secretary of State's orders may be made clear in this respect. An early reply is requested.

Copy of a letter No. 83/42-Ests, dated the 20th July 1943, from the Deputy Secretary to the Government of India, Home Department, New Delhi, to the Deputy Secretary to the Government of the United Province, Appointed Department.

Subject:- Fixation of the pay of Secretary of State's officers in temporary, unreserved posts.

"With reference to your letter No.1440/II-586-41, dated the 24th June 1943, on the above subject, I am directed to say that the orders of the Secretary of State, or the interpretation thereof, cannot be construed as over-riding the provisions of statutory rule , e.g., Fundamental R le 15.

Copy of the Government of India, Finance Department, letter No.F.6(32)-R.II/43 dated the 9th September 1943, from the Deputy Secretary to the Government of India to All Provincial Governments.

Subject:- Question authority which should exercise the power formerly conferred on the Government of India by rules in the Civil Service Regulations in relation to officers under the rule-making control of the Secretary of State who are serving in provinces.

I am directed to say that the Government of India have had under consideration the question whether delegation of the powers of the "Governor-General in Council" to "Governor in his individual judgment" made by the Secretary of State's rule of 14th April 1942 which was published in the Home Department Notification No.195/40- Establishments, dated the 9th June 1942 (copy endorsed to the Government of Madras/etc., under the same number and date), extends to the corresponding term "Government of India" used in the articles in the Civil Services Regulations. Since the Secretary of State's rule cited above is in the form of a textual amendment and not in that of a rule of construction, it has been held that the delegation in question does not extend to Civil Service Regulation term referred to above. It has not, however, been considered necessary to obtain the sanction of Secretary of State to such extension as the occasions on which it is necessary for the Provincial Government to refer cases of Secretary of State's officers serving in the Provinces for higher sanction under the articles of the Civil Service Regulation are not numerous.

2. In this connection, however, the Government of India consider it necessary to state the position so far as the power to interpret the rules in the Civil Service Regulations in the case of officers of the Secretary of state serving in the provinces in concerned. There is no delegated power in this respect and the power of interpretation still rests with the rule-making authority, i.e., the Secretary of State. The position should be (and this has been the convention hitherto) that since all interpretations of the rules in the Civil Service Regulations are issued by the Government of India with the concurrence of the Auditor Genral, they would be acceptable to audit if adopted by the Provincial Government; but that where no interpretation by the Central Government exists, an interpretation by the Provincial Government would be acceptable to audit if it does not conflict with the wording of the rule although in such cases consultation with the Government of India might be considered necessary so as to maintain uniformity. It follows, therefore, that the Provincial Governments (not necessarily the Governor in their individual judgment) would be competent to give an interpretation of a rule in the Civil Service Regulations, but that if in any case such interpreatation differs from the corresponding interpretation given by the Government of India or is otherwise not acceptable to audit a reference to the Secretary of State will be necessary.

No.2701/33-25114-C. Finance Department,
Bombay Castle, 1st November 1943.

E.K.M.21/5/

4C. Forwarded.....

Forwarded to the :-

Political and Services Department,
Home Department,
Revenue Department,
General and Educational Department,
Legal Department,
Public Works Department,
for information.

By order of the Governor of Bombay,

Sd/-

Assistant Secretary to the Government of Bombay.

Grant of special pay to officers under the control of the Secretary of State.

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No.1567/34.
Bombay Castle, 1st December 1943.

Letter to the Government of India, Home Department, No.4621/34-E, dated the 9th June 1943:-

"I am directed to state that Mr.G.S.Constantine,ICS., officiating commissioner of Labour, Bombay, has been allowed, in addition to his grade pay in the senior time-scale of the ICS., special pay at Rs.200/- per mensem from the 2nd March 1942, and to request that as it is likely that Mr.Constantine will continue in the post of Commissioner of Labour beyond a period of two years, the Government of India may be moved to obtain the sanction of the Secretary of State to the grant tohim of the special pay at Rs.200/- per mensm for so long as he holds the post of Commissioner of Labour, Bombay.

2. In this connection I am to invite attention to the instructions contained in the letter of the Government of India in the Finance Department No.F.18(30)-EX-I/42, dated the 7th July 1942, and to observe that the post of the Commissioner of Labour, Bombay, is not a post reserved for the members of the I.C.S."

Letter from the Government of India, Home Department, No.132/43-Ests, dated the 17th November 1943.

"With reference to your letter No.4621p34-E, dated the

1. para.7 of letter No.10536/43,dated the 5th June 1943, from the India office to L.T.Gholap,Esq., Officiating joint Secy. to the Government of India, Finance Department,
2. Letter from the India office to the Government of India, Home Department, No.S.G.2575/43, dated the 9th August 1943.

) 9th June 1943, I am directed to say that cases relating to the grant of special pay to officers appointed by the Secretary of State may be disposed of in accordance with the orders conveyed in the letters from the India Office noted in the margine."

RESOLUTION:- Copies of the above correspondence should be forwarded to the officers concenned and the Departments of the Secretariat for information and guidance.

By order of the Governor of Bombay,

H.T.SORLEY,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To
The Secretary to the Governor,
The Accountant General Bombay,
The Finance Department,
All other Departments of the Secretariat (except the separate Department).

E.K.N.21/8
4C.

*Typed as an accompaniment to this Resolution.

Accompaniments to Govt. Resolution No.4621/34, dated the 1st December 1943.

Para 7 of letter No.10536/43, dated the 5th June 1943, from the India Office, to L.T.Cholap, Esquire, Officiating Joint Secretary to the Government of India, Finance Department.

---

7. After careful consideration of the points raised, paragraph 6 of the Government of India's letter the Secretary of State has decided that reference need no longer be made to him incases where grants of specially pay are made for periods exceeding two years. Draft Rule 9 (now rule 10) has been amended accordingly,. Pending the making of these rules the Government of India and Provincial Governments need not seek the sanction of the Secretary of State to the grantof personal or special pay provided that the amount of the personal or special pay, or both does not exceed one-fifth of the person's pay, or Rupees 10 a day, whichever is less.

---

opy of a letter No.S.&G. 2575/43, dated the 9th August 1943, from the India Office, London, to the Secretary to the Government of India Home Department.

Subject:- Grant of special pay of Rs.200/-p.m. to Mr. A.E.Ilewitt, I.P., Bihar.

With reference to your letter No.101/5/43-Police dated the 6th July on the above subject,I am directed to refer to paragraph 7 of Mr.Grist's demi-official letter to Mr.Gholap dated the 5th June No.F.10536/43 and to say that the general sanction there to the grant of special pays for periods exceeding two years was intended to cover grants in existence on that date where the amount does not exceed the prescribed limits of Rs.10/- a day or one-Fifth, of the officer's pay, whichever is less, as well as future grants. It will not, therefore, be necessary to submit any further cases of this kind and any cases forwarded to the Secretary of state for sanction since thedate of the above letter may be regarded as covered.